

DAVID RIBEIRO, PRO SE,)
PLAINTIFF,)
V.)
HOLYOKE POLICE DEPT.)
CITY OF HOLYOKE)
DEFENDANTS.)

)

CIVIL ACTION#04-30201-MAP

MOTION TO RESPOND TO DEFENDANTS APPLICATION FOR SUMMARY JUDGEMENT
ON MICHEAL HIGGINS AND PAUL KELLY.

Now comes the plaintiff in the above entitled action and moves this honorable court with this motion to respond and oppose the contents of the defendants motion for summary judgement, for Paul Kelly and Micheal Higgins.

1) On page three(3) of the defendants motion, claims that plaintiffs constitutional rights were not violated by defendants Paul Kelly and Micheal Higgins. Micheal Higgins fabricated police reports and perjured himself in regard to the plaintiff being mirandized and the plaintiffs signature on miranda warning card. Plaintiff was asked many questions by LT. Micheal Higgins without any miranda warning, nor did the plaintiff sign miranda warning card acknowledging said rights. Through discovery the plaintiff has obtained the miranda card and it does not contain the plaintiffs signature on card. Ultimately, police lied and falsified (please see miranda card attached to exhibit#1)